

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC
Plaintiff,

V.

TEXAS INSTRUMENTS, INC.
Defendants

§ Civil Action No. 6:12-CV-499 MHS
§
§ LEAD CASE

BLUE SPIKE, LLC,
Plaintiff,

v.

AUDIBLE MAGIC CORPORATION,
FACEBOOK, INC., MYSPACE,
LLC, SPECIFIC MEDIA, LLC,
PHOTOBUCKET.COM, INC.,
DAILYMOTION, INC., DAILYMOTION
S.A., SOUNDCLOUD, INC.,
SOUNDCLOUD LTD., MYXER,
INC., QLIPSO, INC., QLIPSO MEDIA
NETWORKS LTD., YAP.TV, INC.,
GOMISO, INC., IMESH, INC.,
METACAFE, INC., BOODABEE
TECHNOLOGIES, INC., TUNECORE,
INC., ZEDGE HOLDINGS, INC.,
BRIGHTCOVE INC., COINCIDENT.TV,
INC., ACCEDO BROADBAND
NORTH AMERICA, INC., ACCEDO
BROADBAND AB, AND MEDIAFIRE,
LLC

Defendants.

Civil Action No. 6:12-CV-576 MHS
CONSOLIDATED CASE

BLUE SPIKE, LLC,
Plaintiff,

V.

WIOFFER, LLC
Defendant.

Civil Action No. 6:12-CV-570 MHS
CONSOLIDATED CASE

**DECLARATION OF JOHN COOGAN IN SUPPORT OF DEFENDANT
AUDIBLE MAGIC CORPORATION'S AND ITS CUSTOMERS' MOTION TO
TRANSFER VENUE TO THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA UNDER 28 U.S.C. § 1404(a)**

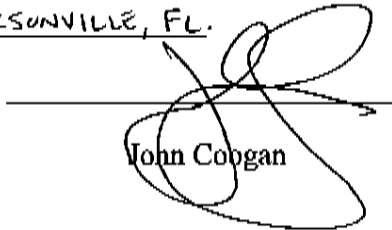
I, John Coogan, declare under penalty of perjury that the following is true and correct:

1. I am the CEO of Boodabee Technologies Inc. I have personal knowledge of the facts set forth in this declaration, or access to Boodabee Technologies Inc.'s ("Boodabee") corporate information and records allowing me to confirm these facts. If called as a witness, I could testify competently to these facts under oath.
2. Boodabee is headquartered in Ponte Vedra Beach, Florida.
3. Boodabee has no operations, employees, or property in Texas.
4. Boodabee regularly conducts business in the San Francisco Bay Area and Silicon Valley.
5. Boodabee is accused in the complaint in the above-referenced action based on Audible Magic's technology.
6. In November 2011, Boodabee entered into an agreement with Audible Magic, located in Los Gatos, California, for a trial period of Audible Magic's Content Identification Services. This is technology accused by Blue Spike in the instant action. The Content Identification Services provided to Boodabee were, at all times, managed by Audible Magic on its computer servers and in its network operations center in Los Gatos, California and San Jose, California.
7. Boodabee interacted with Audible Magic technical and business personnel in Los Gatos, California to obtain the agreement with Audible Magic and with regard to technical aspects of the Audible Magic technology.
8. During the trial period, Boodabee utilized or accessed servers, databases, and software located in and/or originating from Audible Magic in Los Gatos, California.

9. Boodabee had no access to, and no ability to alter, Audible Magic's proprietary source code used to run Audible Magic's Content Identification Services.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct based on my own personal knowledge.

Executed on May 6, 2013 in JACKSONVILLE, FL.



John Coogan